

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

TIFFANY C. IVY,
ADC #761693,

Plaintiff,

v.

AMANDA MCDANIEL, Sergeant; and
CRAIGHEAD COUNTY DETENTION
CENTER,

Defendants.

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No. 3:18cv00105-JJV

MEMORANDUM AND ORDER

Tiffany C. Ivy (“Plaintiff”) has filed this *pro se* action, pursuant to 42 U.S.C. § 1983, alleging that, on or about May 15, 2018, Defendant Amanda McDaniel violated her constitutional rights during a strip search at the Craighead County Detention Center.¹ (Doc. No. 1.) Defendant Ivy has raised this same claim against Defendants McDaniel and Officer Wonderly in *Ivy v. McDaniels*, 3:18CV00145 DPM/BD. (Doc. No. 14.)

Plaintiff may not proceed with the same claim in two separate lawsuits. *Blakley v. Schlumberger Technology Corp.*, 648 F.3d 921, 932 (8th Cir. 2011)(“dismissal of duplicative claims comports with our long-standing “general principle” of “avoid[ing] duplicative litigation”). Accordingly, I am dismissing this case without prejudice, as being duplicative.

Plaintiff may proceed with her claim against both Defendants McDaniel and Wonderly in *Ivy v. McDaniels*, 3:18CV000145 DPM/BD. *See* 28 U.S.C. § 1915(e)(2)(B)(i) (providing that “the court shall dismiss the case at any time if the court determines that” it is “frivolous”); *Aziz v.*

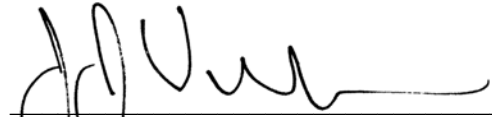
¹ During screening, Plaintiff’s claim against the Craighead County Detention Center was dismissed because it is not a proper party in a § 1983 action. (Doc. Nos. 6 & 10.)

Burrows, 976 F.2d 1158, 1158-59 (8th Cir. 1992) (“district courts may dismiss a duplicative complaint raising issues directly related to issues in another pending action brought by the same party”); *Van Meter v. Morgan*, 518 F.2d 366, 367-68 (8th Cir. 1975) (affirming the dismissal of a duplicative case as being “frivolous”).

IT IS, THEREFORE, ORDERED that:

1. The Complaint (Doc. No. 1) is DISMISSED without prejudice.
2. Defendant’s Motion for an Extension of Time to File a Motion for Summary Judgment (Doc. No. 21) is DENIED as moot.
3. I certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Memorandum and Order and the accompanying Judgment would not be taken in good faith.

DATED this 13th day of February 2019.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE